

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Remarks Regarding The Drawings

Applicant notes the Examiner's objection to the informal drawings and attaches a replacement sheet herewith. The specification clearly indicates that the converter is designated by reference numeral 3. The term AC/DC converter is used interchangeably with the term "power supply," "power supply unit," and "converter," and is designated by reference numeral 3. The controlled switch 3a is part of the converter. Graph lines 21, 22 and 23 have been shown more definitely, and are fully supported in the specification. No new matter has been added. It is believed that these changes along with the changes shown in the substitute specification will overcome the Examiner's objections to the drawings.

Remarks Regarding The Specification

The Examiner objects to the specification as not following the guidelines for the headings, and the like. It appears that the Examiner may have overlooked the first substitute specification filed with the application on April 5, 2005. It is believed that the first substitute specification filed with the application complies with all of the requirements set forth by the Examiner in the Office Action. Applicant respectfully requests that the Examiner indicate whether he has received the first substitute specification. If not, applicants can provide another original/first substitute specification for the Examiner's convenience.

Further, a second substitute specification is attached hereto and is deemed to include or incorporate all of the amendments made by the first (original) substitute specification. The clean

copy of second substitution thus includes all of the changes shown in both the first and second substitute specifications, but the marked up or “track changes” version of the second substitution only shows new changes relative to the first or original version of the substitute specification filed with the application.

Introductory Remarks Regarding The Claims

Claims 1-8 are currently pending in the application and stand rejected.

Rejection Under 35 U.S.C. §112

Claims 1-8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as set forth in paragraphs 6-8 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection. Claim 1 has been rewritten as new claim 9 and is believed to now provide the essential steps that the Examiner discusses on pages 7-8 of the office action.

Also, the term “mains” is defined in the specification and merely refers to the standard electrical supply or “wall outlet” supply, such as the standard 110/230 volt AC supply, which of course, depends upon the country in question or geographical location. The specification states that:

Apart from very specific applications requiring an independent accumulator battery and/or solar panel type power supply, these actuators are powered from the low voltage (LV) AC mains supply (electric power grid, 110 to 230 V, 50 or 60 Hz, depending on countries) and... (specification, p.1 as amended)

Please note that in European standardization documents, the term “low voltage” refers to voltages between 50 volts and 1,000 volts, as set forth in the attached eight page European document entitled Low Voltage Directive (LVD)” 73/23/EEC, Article 1. This is relevant because the priority

document is a French document.

Rejection Under 35 U.S.C. §103

Claims 1-8 stand rejected under 35 U.S.C. §103 as being unpatentable over Costello in view of Peterson, as set forth in paragraphs 9-10 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

Costello discloses an AC/DC converter with low harmonic current rejection on the network. It permits a galvanic isolation. Costello does not teach or suggest the AC/DC converter in conjunction with an RF receiver in close proximity. Costello is solely directed to the converter, while applicant's claimed invention is directed to the AC/DC converter in close proximity with an RF receiver. One significant feature of applicant's claimed invention is the relationship between the switching frequency and the receiving frequency of the RF receiver so as to avoid interference. The claimed ratio or the limit of the switching frequency relative to the AC input frequency (mains frequency, typically 50/60 Hz.) is necessary to avoid interference between the switching element and the RF receiver. This is important because both components are housed in a common enclosure and are in close proximity. Costello does not and need not address such concerns because no RF receiver exists.

Peterson discloses a device including a receiver, a motor and a control board. However, this references does not teach or suggest that these elements are in the same enclosure. The board 20 includes a voltage regulator (probably linear), which may be fed by a previously rectified and lowered voltage. There is no mention of a AC/DC converter. Significantly, Peterson's command transmitter and receiver are of IR type, not radio frequency, and as such, the electromagnetic

interference due to the converter has no effect on the optical transmissions. Thus, Peterson is not concerned with the problems solved in applicant's claimed invention.

Accordingly, neither Peterson nor Costello include both the converter and the RF receiver, and therefore, neither address the interference problems addressed by applicant's claimed invention. Accordingly, there is no teaching, suggestion or motivation to combine the two references. Further, even if the two references were combined for some reason, the result would not be applicant's claimed invention.

In the present case, none of the references, taken either individually or in combination, suggest applicant's claimed. Applicant respectfully submits that new independent claim 9 and claims depending therefrom are allowable over the cited references.

Closing Remarks

The art made of record by the Examiner but not relied upon as a basis of rejection, does not, whether taken alone or in combination with Costello and/or Peterson, anticipate or render obvious any of applicant's claims as now amended in the application.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.


The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit
Account No. 23-0920.

Respectfully submitted,

WELSH & KATZ, LTD.

By


Eric D. Cohen
Registration No. 38,110

December 19, 2005

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500

IN THE DRAWINGS:

Please amend the drawings in accordance with the replacement sheets attached hereto.

Pursuant to 37 C.F.R. 1.121(d) two sets of drawings are included. The first set shows a clean copy of the drawings with all changes incorporated, while the second set shows the changes marked up in red. The clean copy of the drawings has been labeled as "Replacement Sheets."



US Patent Application
Title: Electrical Actuator Having Direct Current Motor
(as amended)
WELSH & KATZ, LTD.
Docket No. 9310-94061 Marked-up Sheet 1 of 1

Fig. 1

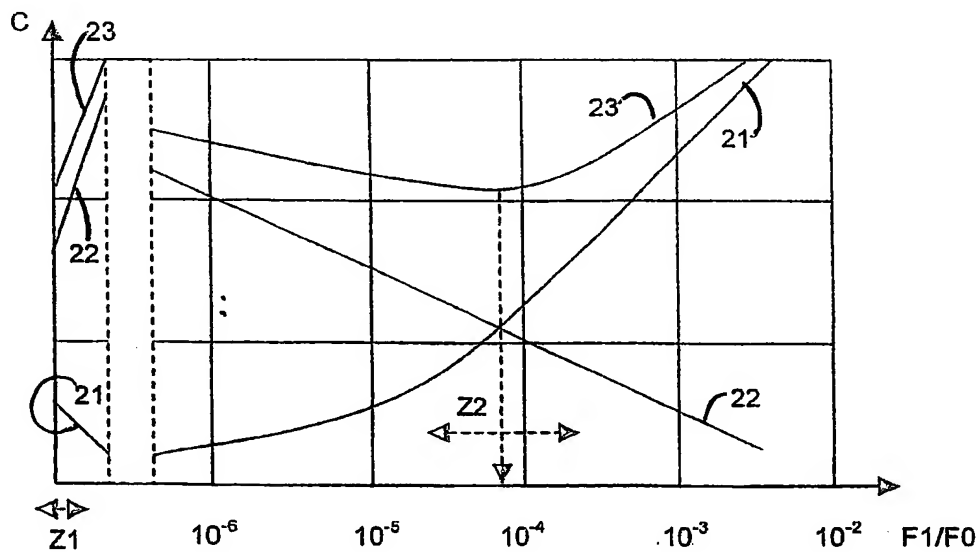
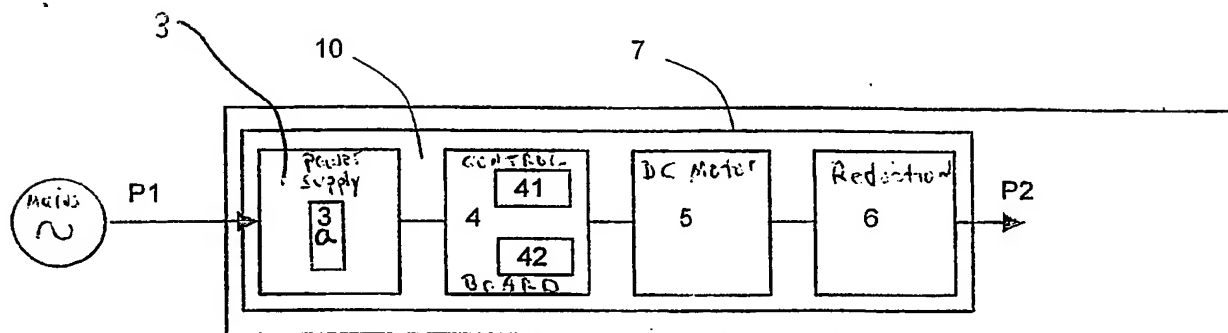


Fig. 2

Best Available Copy